



2024738-7030163001  
(11.015012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**David J. Zahniser, et al**

**Serial No.: 10/726,336**

**Filed: December 1, 2003**

**For: CYTOLOGICAL IMAGING SYSTEM  
AND METHOD**

**Group Art Unit: 2877 (Parent Appl)**

**Examiner: Zandra Smith (Parent Appl)**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00). Copies are not enclosed since each item was submitted or cited in a parent application (Serial No. 09/430,117).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

**CERTIFICATE OF MAILING**

(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

January 27, 2004

Date of deposit

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Maritza D. Kidd

Name of Person transmitting Paper

Maritza D. Kidd  
Signature of Person depositing Paper

1/26/04 4:28 PM

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
☐ Please charge \_\_\_\_\_ to Deposit Account No. **50-2518** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Dated: \_\_\_\_\_

1/26/04

Respectfully submitted,

BINGHAM McCUTCHEN LLP

By: \_\_\_\_\_

*DTBurse*

David T. Burse  
Reg. No. 37,104

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400

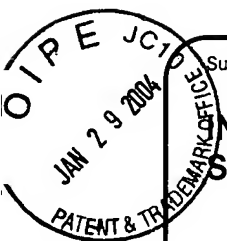
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

### Complete if Known

Application Number	10/726,336
Filing Date	December 1, 2004
First Named Inventor	David J. Zahniser, et al
Group Art Unit	2877 (Parent Appl)
Examiner Name	Zandra Smith (Parent Appl)
Attorney Docket Number	38-7030163001 (CYM-032CON)

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1.	4,045,655		Suzuki et al	08-1977	
	2.	4,125,828		Resnick et al	11-1978	
	3.	4,175,859		Hashizume et al	11-1979	
	4.	4,175,860		Bacus	11-1979	
	5.	4,207,554		Resnik et al	06-1980	
	6.	4,652,093		Stephen et al	03-1987	
	7.	4,847,910		Sakuraba et al	07-1989	
	8.	4,887,892		Bacus	12-1989	
	9.	4,965,725		Rutenberg	10-1990	
	10.	4,998,284		Bacus et al	03-1991	
	11.	5,008,185		Bacus	04-1991	
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	13.	5,018,209		Bacus	05-1991	
	14.	5,086,476		Bacus	02-1992	
	15.	5,109,429		Bacus et al	04-1992	
	16.	5,134,662		Bacus et al	07-1992	
	17.	5,202,931		Bacus	04-1993	
	18.	5,218,645		Bacus	06-1993	
	19.	5,235,522		Bacus	08-1993	
	20.	5,252,487		Bacus et al	10-1993	
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	22.	5,281,517		Bacus et al	01-1994	
	23.	5,284,137		Kessler et al	02-1994	
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	26.	5,408,535		Howard III et al	04-1995	
	27.	5,427,910		Kamentsky et al	06-1995	
	28.	5,428,690		Bacus et al	06-1995	
	29.	5,437,980		Haugland	08-1995	
	30.	5,473,706		Bacus et al	12-1995	
	31.	5,485,527		Bacus et al	01-1996	
	32.	5,523,207		Kamentsky et al	06-1996	
	33.	5,528,703		Lee	06-1996	

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet **2** of **3**

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	34.	5,541,064		Bacus et al	07-1996	
	35.	5,544,650		Boon et al	08-1996	
	36.	5,566,249		Rosenlof et al	10-1996	
	37.	5,581,631		Ortyn et al	12-1996	
	38.	5,655,029		Rutenberg et al	08-1997	
	39.	5,671,288		Wilhelm et al	09-1997	
	40.	5,677,762		Ortyn et al	10-1997	
	41.	5,677,966		Dorrer et al	10-1997	
	42.	5,682,038		Hoffman	10-1997	
	43.	5,689,110		Dietz et al	11-1997	
	44.	5,715,327		Wilhem et al	02-1998	
	45.	5,717,778		Chu et al	02-1998	
	46.	5,740,270		Rutenberg et al	04-1998	
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	48.	5,781,667		Schmidt et al	07-1998	
	49.	5,787,188		Nelson et al	07-1998	
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	61.	5,976,338		Fujita et al	11-1999	
	62.	5,986,770		Hein et al	11-1999	
	63.	5,987,158		Meyer et al	11-1999	
	64.	5,991,028		Cabib et al	11-1999	
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	66.	5,999,844		Gombrich et al	07-1999	
	67.	6,002,788		Luther	12-1999	

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	68.	6,026,174		Palcic et al	02-2000	
	69.	6,067,370		Ortyn et al	05-2000	
	70.	6,150,774		Mueller et al	11-2000	
	71.	6,151,139		Haded et al	11-2000	
	72.	6,249,593		Chue et al	06-2001	
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### FOREIGN PATENT DOCUMENTS

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	74.	EP	0 589 191	A		03-1941		
	75.	WO	89/07255			08-1989		
	76.	WO	97/04418			02-1997		
	77.	WO	97/2946			06-1997		
	78.	WO	98/32004			07-1998		
	79.	WO	98/52016			11/1998		
	80.	WO	99/8847			04-1999		
	81.	WO	99/21042			04-1999		
	82.	WO	99/41578			08-1999		
	83.	WO	99/45094			09-1999		

### OTHER DOCUMENTS -- NON PATENT LITERATURE

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	84.	Beach et al., "A light-emitting diode light standard for photo-and videomicroscopy," Journal of Microscopy, vol. 172, Pt. 1, Oct. 1993, pp. 41-48.	
	85.	Beach, "A LED light calibration source for dual-wavelength microscopy," Cell Calcium, vol. 21, Pt. 1, 1997, pp. 63-68.	

Examiner Signature

Date Considered

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